

FIRST REGULAR SESSION

[CORRECTED]

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 226

## 94TH GENERAL ASSEMBLY

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Reported from the Committee on Transportation May 2, 2007 with recommendation that House Committee Substitute for Senate Committee Substitute for Senate Bill No. 226 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

1107L.04C

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### AN ACT

To repeal sections 577.029, 577.051, and 577.600, RSMo, and to enact in lieu thereof three new sections relating to driving offenses, with penalty provisions and an emergency clause for a certain section.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 577.029, 577.051, and 577.600, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 577.029, 577.051, and 577.600, to read as follows:

577.029. A licensed physician, registered nurse, or trained medical technician at the place of his **or her** employment, acting at the request and direction of the law enforcement officer, shall withdraw blood for the purpose of determining the alcohol content of the blood, unless such medical personnel, in his **or her** good faith medical judgment, believes such procedure would endanger the life or health of the person in custody. Blood may be withdrawn only by such medical personnel, but such restriction shall not apply to the taking of a breath test, a saliva specimen, or a urine specimen. In withdrawing blood for the purpose of determining the alcohol content thereof, only a previously unused and sterile needle and sterile vessel shall be utilized and the withdrawal shall otherwise be in strict accord with accepted medical practices. [A nonalcoholic antiseptic shall be used for cleansing the skin prior to venapuncture.]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

11 Upon the request of the person who is tested, full information concerning the test taken at the  
12 direction of the law enforcement officer shall be made available to him **or her**.

577.051. 1. A record of the disposition in any court proceeding involving a violation  
2 of any of the provisions of sections 577.005 to 577.023, or violation of county or municipal  
3 ordinances involving alcohol- or drug-related driving offenses shall be forwarded to [the  
4 Missouri state highway patrol, or at the written direction of the Missouri state highway patrol,  
5 to] the department of revenue, within [fifteen] **seven** days by the clerk of the court in which the  
6 proceeding was held. **The records shall be forwarded by the department of revenue within**  
7 **fifteen days of receipt to the Missouri state highway patrol** and shall be entered by the  
8 highway patrol or department of revenue in the Missouri uniform law enforcement system  
9 records. Dispositions that shall be reported are pleas of guilty, findings of guilty, suspended  
10 imposition of sentence, suspended execution of sentence, probation, conditional sentences,  
11 sentences of confinement, and any other such dispositions that may be required under state or  
12 federal regulations. The record forwarded by the clerk shall clearly show the court, the court  
13 case number, the name, address, and motor vehicle operator's or chauffeur's license number of  
14 the person who is the subject of the proceeding, the code or number identifying the particular  
15 arrest, and any court action or requirements pertaining thereto.

16 2. All records received by the Missouri state highway patrol or the department of  
17 revenue under the provisions of this section shall be entered in the Missouri uniform law  
18 enforcement system records and maintained by the Missouri state highway patrol. Records  
19 placed in the Missouri uniform law enforcement system under the provisions of this section shall  
20 be made available to any law enforcement officer in this state, any prosecuting or circuit attorney  
21 in this state, or to any judge of a municipal or state court upon request.

22 3. Any person required by this section to furnish records to the Missouri state highway  
23 patrol or department of revenue who willfully refuses to furnish such records shall be guilty of  
24 a class C misdemeanor.

25 4. Records required to be filed with the Missouri state highway patrol or the department  
26 of revenue under the provisions of sections 302.225, RSMo, and 577.001 to 577.051 shall be  
27 filed beginning July 1, 1983, and no penalties for nonfiling of records shall be applied prior to  
28 July 1, 1983.

29 5. Forms and procedures for filing of records with the Missouri state highway patrol or  
30 department of revenue as required in this chapter shall be promulgated by the director of the  
31 department of public safety or department of revenue, as applicable, and approved by the  
32 Missouri supreme court.

33 6. All record-keeping procedures required under the provisions of sections 577.005 to  
34 577.023 shall be in accordance with this section, chapter 610, RSMo, to the contrary  
35 notwithstanding.

577.600. 1. In addition to any other provisions of law, a court [may] **shall** require that  
2 any person who is found guilty of or pleads guilty to [a first] **any** intoxication-related traffic  
3 offense, as defined in section 577.023, [and a court shall require that any person who is found  
4 guilty of or pleads guilty to a second or subsequent intoxication-related traffic offense, as  
5 defined in section 577.023,] shall not operate any motor vehicle unless that vehicle is equipped  
6 with a functioning, certified ignition interlock device **that they must use** for a period of not less  
7 than [one month] **twelve months** from the date of reinstatement of the person's driver's license.  
8 In addition, any court authorized to grant a limited driving privilege under section 302.309,  
9 RSMo, to any person who is found guilty of or pleads guilty to [a second or subsequent] **an**  
10 intoxication- related traffic offense shall require the use of an ignition interlock device on all  
11 vehicles operated by the person as a required condition of the limited driving privilege. Any  
12 person required to use an ignition interlock device shall comply with the court order, subject to  
13 the penalties provided by this section.

14 2. No person shall knowingly rent, lease or lend a motor vehicle to a person known to  
15 have had that person's driving privilege restricted as provided in subsection 1 of this section,  
16 unless the vehicle is equipped with a functioning, certified ignition interlock device. Any person  
17 whose driving privilege is restricted as provided in subsection 1 of this section shall notify any  
18 other person who rents, leases or loans a motor vehicle to that person of the driving restriction  
19 imposed pursuant to this section.

20 3. Any person convicted of a violation of this section shall be guilty of a class A  
21 misdemeanor.

Section B. Because of the need to effectively administer the state's drunk driving laws,  
2 the repeal and reenactment of section 577.029 of section A this act is deemed necessary for the  
3 immediate preservation of the public health, welfare, peace and safety, and is hereby declared  
4 to be an emergency act within the meaning of the constitution, and the repeal and reenactment  
5 of section 577.029 of section A of this act shall be in full force and effect upon its passage and  
6 approval.

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